

### REMARKS

Applicant respectfully requests the Examiner to reconsider the present application in view of the above amendments and following remarks:

1. Section 112 Rejection:

Claim 9 stands rejected on the grounds that the claim is indefinite under Section 112. Because Applicant has canceled that claim, this rejection is no longer applicable and should be withdrawn.

2 Section 103 Rejections:

Claims 1-4, 6-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over an article entitled "Extensions to and refurbishment of Menlyn Park Shopping Centre, Pretoria," by Higgs (hereinafter "Higgs article"), in view of Herzfeld et al.

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the Higgs article, in view of Herzfeld et al., in further view of Clark, and in further view of Allen.

Applicant has canceled the original claims, and submits the attached new claims, as set forth above.

The new claims are directed to additional features of the invention disclosed in the specification and drawings.

New claims 21-30, for example, are directed to an aspect of Applicant's invention which helps to shield the movie screen from by-passers in and around the mall. This is done by creating a higher building section, and locating the screen on an end of the parking garage opposite the higher building section, so that the screen is shielded from view by by-passers in and around the mall.

These aspects are shown in Figure 1, and described on page 9 of the specification. Therefore, Applicant respectfully submits that these aspects do not constitute new matter.

They are also not suggested or taught by the prior art. For example, in the Higgs article, the drawing on the bottom of page 3 shows the screen located on a high building section, which is opposite that shown in Figure 1. That is, in the Higgs article, the drawing on the bottom of page 3 shows the screen mounted on the higher building section, facing away from the higher building section. Figure 1, on the other hand,

shows the screen located opposite the higher building section, facing in the opposite direction, i.e., toward the higher building section.

This distinction is significant because in Applicant's invention, the higher building section helps to shield the screen from by-passers, in and around the mall, while the drawing on the bottom of page 3 of the Higgs article shows a screen facing in the opposite direction, wherein the higher building section would not be able to shield the screen from by-passers in and around the mall.

For the above reasons, Applicant respectfully submits that Claims 21-29 are not suggested or taught by the Higgs article, or the Higgs article in combination with any other prior art, including Herzfeld et al.

New claims 30-39 are directed to another aspect of Applicant's invention. This aspect relates to the juxtaposition of a first parking garage, with a drive-in movie theater located on top of it, as well as a second parking garage, with an events center located on top of it, with the shopping mall generally extending in between.


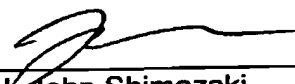
In this respect, Applicant disagrees with the Examiner's suggestion (relating to original claim 7) that the Higgs article teaches using a second parking garage having an events center on top. Contrary to what the Examiner suggests, the Higgs article does not show an events center situated on top of a second parking garage. While the drawing on the bottom of page 3 of the Higgs article, as well as the text describing the drive-in theater, shows/describes the "drive-in theater" as being located on top of a parking garage, the Higgs article does not show or describe the "events center" as being located on top of a parking garage. In fact, Applicant respectfully submits that the Higgs article is silent on this issue, and does not describe it as being located on any type of parking garage.

Accordingly, Applicant respectfully submits that claims 30-39 are distinguishable over the Higgs article, individually and in combination with Herzfeld et al., and the other prior art of record.

3. Conclusion:

For all of the above reasons, Applicant respectfully submits that the claims pending in this application are in condition for allowance, and earnestly requests the Examiner to enter a Notice of Allowance in this case.

Respectfully submitted,



J. John Shimazaki  
Registration No. 37,236  
Patent Office of J. John Shimazaki  
P.O. Box 650741  
Sterling, VA 20165  
Ph: 703-430-3018  
Fax: 208-475-8631